

REMARKS

Claims 1-20 remain pending in the present application. Claims 1, 4-6 and 8-18 have been amended. Claims 19 and 20 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 4-6 and 9-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either the Japanese patent ('349) or ('564) in view of Kamiya, et al. ('934). Claims 3, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either the Japanese patent ('349) or ('564) as applied to Claim 1 or 5 above, and further in view of the Japanese patent ('635). Applicants respectfully traverse this rejection.

In each independent claim of the present application, when determining means determines that ventilation (air conditioning control in Claims 5 & 10) due to a ventilating unit (an air conditioning unit in Claims 5 & 10) needs to be started, the ventilating unit (air conditioning unit in Claims 5 & 10) performs ventilation (air conditioning control in Claims 5 & 10) using power of a battery that is disconnected from a driving source of a vehicle while the vehicle is stopped and no passenger exists in the vehicle. That is, the ventilating unit (air conditioning unit in Claims 5 & 10) performs the ventilation (air conditioning control in Claims 5 & 10) using the battery power while the battery is not being charged.

However, in JP '349, an air conditioner is driven by using power of an engine that is the driving source (engine) of the vehicle, the air conditioner is not driven by a battery

disconnected to the driving source. Further, the air conditioning due to the air conditioner is started while a person exists in the vehicle.

Similarly, in JP '564, when an inside temperature of a passenger compartment is determined by an inside temperature sensor to be higher than a predetermined temperature, the vehicle engine is turned on and the air conditioner is turned on by using the power from the vehicle engine (vehicle driving source). If the engine is turned off while the vehicle is parked, the air conditioner is also turned off. Further, the starting operation of the air conditioner is performed while a person (child) exists.

Accordingly, even by combining JP '349 or JP '564 and Kamiya, et al. using the IR sensor, the amended claims of the present application are not believed to be obvious. Furthermore, JP '635 does not disclose, teach or suggest the features of the present invention.

Thus, Applicants believe independent Claims 1, 5, 9 and 10, as amended, patentably distinguish over the art of record. Likewise, Claims 2-4, 6-8 and 11-18, which ultimately depend from one of these independent claims, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.


CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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